

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

RODNEY MONTEL SPARKAS,

No. C 14-0664 LB

Plaintiff,

ORDER OF DISMISSAL

v.

[Re: ECF No. 6]

DEPARTMENT OF CORRECTION
(CDCR),

Defendant.

This action was opened on February 12, 2014, when the court received from plaintiff a document labeled "request - notice - motion for review on 42 U.S.C. 1983 and section 28 U.S.C. 2254. Employee conduct 3391/Penal Code section 832.5" that appeared to concern his medical needs in prison. ECF No. 1. On that date, the court notified plaintiff in writing that his action was deficient in that he had not attached a complaint and had not filed an *in forma pauperis* application. The court further notified him that this action would be dismissed if he did not submit a complaint and *in forma pauperis* application within 28 days. Plaintiff then filed a complaint and consented to proceed before a magistrate judge. He did not, however, file a completed *in forma pauperis* application. There is a one-page *in forma pauperis* application attached to his complaint, *see* ECF No. 6 at 4, but that form is deficient in that it is an extremely outdated form (possibly from 1981) and does not provide the information required by the blank form that was sent to plaintiff from the court on February 12, 2014, including the required "certified copy of the trust fund account statement (or

1 institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of
2 the complaint." 28 U.S.C. § 1915(a)(2). This action is DISMISSED without prejudice because
3 plaintiff failed to pay the filing fee or submit a completed *in forma pauperis* application. The clerk
4 shall close the file.

5 **IT IS SO ORDERED.**

6 Dated: April 4, 2014

7 
LAUREL BEELER
United States Magistrate Judge

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